

ESTTA Tracking number: **ESTTA146952**

Filing date: **06/20/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176707
Party	Defendant INNERCAP Technologies, Inc. INNERCAP Technologies, Inc. 2609 West Tyson Avenue Tampa, FL 33611
Correspondence Address	INNERCAP TECHNOLOGIES, INC. 2609 W TYSON AVE TAMPA, FL 33611-4530  smacel@cblh.com
Submission	Answer
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Signature	/Stephen A. Bent/ and /dkn/
Date	06/20/2007
Attachments	Answer to ASPIRINPLUS NOO.PDF ( 4 pages )(78673 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Atty. Ref. No. 027668/0101

Bayer Aktiengesellschaft,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.: 91176707
	)	Serial No.: 78/874,352
INNERCAP Technologies, Inc.,	)	Mark: ASPIRINPLUS
	)	
	)	
Applicant.	)	
	)	

BOX TTAB – NO FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

INNERCAP Technologies, Inc. (hereinafter referred to as “Applicant”), by and through its counsel, hereby responds to the Notice of Opposition filed by Bayer Aktiengesellschaft (hereinafter referred to as “Opposer”) as follows:

The unnumbered allegation in the preface concerning Applicant’s serial number, filing date, identified goods in International Class 5, and date of publication are admitted. Upon information and belief, the allegations in the unnumbered preface concerning Opposer’s business address and entity organization are admitted. The unnumbered allegation of damage in the preface is denied.

1. Applicant has insufficient knowledge or information to form a belief as to the truth of each of the allegations set forth in numbered Paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Admitted.

3. Denied.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in numbered Paragraph 4 of the Notice of Opposition, particularly as to Opposer's allegation of use of the designation ASPIRIN PLUS trademark and, therefore, denies the same.

5. Applicant has insufficient knowledge or information to form a belief as to the truth of the allegations set forth in numbered Paragraph 5 of the Notice of Opposition, particularly as to Opposer's allegation of use of the designation ASPIRIN PLUS trademark and, therefore, denies the same.

6. Answering numbered Paragraph 6 of the Notice of Opposition, Applicant admits that it applied to register the mark ASPIRINPLUS in Application No. 78/874,352 based on an intent to use the mark in commerce on May 2, 2006, and that it has not yet made use of the mark ASPIRINPLUS for the identified goods.

7. Applicant has insufficient knowledge or information to form a belief as to the truth of Opposer's allegation of rights in and use of the designation ASPIRIN PLUS trademark and, therefore, denies the same.

8. Denied.

**AFFIRMATIVE DEFENSES**

1. Opposer has failed to state a claim upon which relief may be granted.
2. Opposer has not asserted sufficient grounds in support of its allegations that it is, or will be, damaged by Applicant's use or registration of its ASPINPLUS mark for the goods identified in its application, and therefore lacks standing to oppose registration thereof.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed with prejudice and on the merits.

Respectfully submitted,

ATTORNEYS FOR APPLICANT

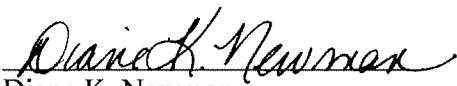
Date: June 20, 2007

By: Diane K. Newman  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Answer to the Notice of Opposition was served on counsel for Opposer this 20th day of June, 2007, by mailing the same, via first class U.S. mail, postage prepaid, to Opposer's counsel, Stanley C. Macel, III, addressed as follows:

Stanley C. Macel, III, Esq.  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box. 2207  
Wilmington, Delaware 19899

By:   
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